

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RICHARD TODD MITCHELL,)
Petitioner,)
v.) Case No. CIV-20-01202-JD
JANET DOWLING, Warden,)
Respondent.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is United States Magistrate Judge Amanda Maxfield Green's Report and Recommendation [Doc. No. 7] recommending that Petitioner Richard Todd Mitchell's Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] be denied and that this action be dismissed without prejudice unless Mr. Mitchell pays the full \$5 filing fee to the Clerk of Court within 21 days of any Order adopting the Report and Recommendation. [Doc. No. 7 at 1]. Judge Green advised Mr. Mitchell of his right to file an objection to the Report and Recommendation with the Clerk of Court by December 23, 2020, and that failure to timely object to the Report and Recommendation waives the right to appellate review of both factual and legal issues in the Report. [Doc. No. 7 at 1–2]; *see also Duffield v. Jackson*, 545 F.3d 1234, 1237 (10th Cir. 2008).

The record reflects that Mr. Mitchell has not filed an objection to the Report and Recommendation by the deadline or requested an extension of time to do so.

Upon its review of the Motion and exhibit [Doc. No. 2] and the Report and Recommendation, the Court **ACCEPTS** and **ADOPTS** the Report and Recommendation

[Doc. No. 7] in its entirety for the reasons stated therein. Mr. Mitchell's Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] is **DENIED**. Mr. Mitchell is **ORDERED** to pay the full \$5 filing fee to the Clerk of Court within 21 days of this Order, or by January 21, 2021, or this action will be dismissed without prejudice.

IT IS SO ORDERED this 31st day of December 2020.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE